

**Introduced by Senator Beall**

February 11, 2015

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An act to amend Section 459.5 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 205, as introduced, Beall. Shoplifting.

Existing law, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, defines shoplifting and makes violation of that provision a misdemeanor, except that persons with specified prior convictions may be charged with a felony to be served in county jail. Proposition 47 provides that its provisions may be amended by a statute that is consistent with and furthers its intent and that is passed by a  $\frac{2}{3}$  vote of each house of the Legislature and is signed by the Governor. Proposition 47 also provides that the Legislature may, by majority vote, amend, add, or repeal provisions to further reduce the penalties for offenses it addresses.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 459.5 of the Penal Code is amended to
- 2 read:
- 3 459.5. (a) Notwithstanding Section 459, shoplifting is defined
- 4 as entering a commercial establishment with intent to commit
- 5 larceny while that establishment is open during regular business
- 6 hours, where the value of the property that is taken or intended to

1 be taken does not exceed nine hundred fifty dollars (\$950). Any  
2 other entry into a commercial establishment with intent to commit  
3 larceny is burglary. Shoplifting shall be punished as a  
4 misdemeanor, except that a person with one or more prior  
5 convictions for an offense specified in clause (iv) of subparagraph  
6 (C) of paragraph (2) of subdivision (e) of Section 667 or for an  
7 offense requiring registration pursuant to subdivision (c) of Section  
8 290 may be punished pursuant to subdivision (h) of Section 1170.  
9 (b) ~~Any~~An act of shoplifting, as defined in subdivision (a), shall  
10 be charged as shoplifting. ~~No~~ A person who is charged with  
11 shoplifting ~~may~~ *shall not* also be charged with burglary or theft of  
12 the same property.